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ABSTRACT

This booklet presents a summary of state child protection statutes that have been enacted, amended or revised through the 1978 legislative session. Reporting statutes of each of the 50 states were analyzed and 13 elements of the child abuse reporting process were identified and discussed: (1) what elements of child abuse must be reported, (2) who must report suspected cases of child abuse, (3) when a report must be made, (4) to whom a report must be made, (5) immunity for good faith reports, (6) penalty for not making a mandated report, (7) abrogation of privileged communications, (8) color photographs and x-rays, (9) temporary protective custody/emergency removal, (10) central registry, (11) child protection teams, (12) guardian ad litem/counsel, and (13) public education. Included is a chart which indicates which of these 13 elements are contained in the protection acts of each state. (JMB)

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Trends in Child Protection Laws — 1979

Report No. 128

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Child Protection Laws — An Overview

Child abuse was first identified as a clinically observable condition in 1962. At that time, a general belief was that professionals who had access to children would be hesitant to report suspected cases of child abuse and neglect. As a result, the first mandatory reporting statutes were proposed in 1963. These statutes sought to (1) define child abuse, (2) identify professionals who had constant access to children, and (3) require that these professionals report suspected cases of child abuse to a statewide agency that could make a complete investigation.

By 1974 mandatory reporting statutes had been enacted nationally, by all 50 states, Washington, D.C. and Puerto Rico. However, their primary identification function has broadened as knowledge about the causes and family dynamics of child abuse has grown. Today, because their scope and purpose have been substantially expanded, it is more accurate to refer to them as child protection laws.

Identification, Investigation and Intervention

In every state three steps are followed to successfully resolve a case of child abuse. First, the child in peril must be identified and his case reported. Until this is done, there can be no investigation or treatment. Second, once a report is made to a statewide agency, an investigation must be conducted to resolve three complex issues: (1) Has the child been abused? (diagnosis) (2) What are the chances that treatment will be successful? (prognosis) (3) What are the treatment needs of the child and what provisions for treatment exist within the community? (treatment plan). Third, voluntary or involuntary intervention or implementation of the treatment plan must take place.

The majority of cases are resolved on a voluntary basis by the abused child's parents. In this case, the agency worker is responsible for monitoring the family's progress and protecting the child's interests. A few cases are resolved on an involuntary basis where the treatment plan is mandated through the juvenile jurisdiction.

In the past, reporting statutes were primarily concerned with the investigatory process, but in recent years, child protection laws have begun to address some of the more complex issues and problems that exist during intervention.

Recognition of State and Federal Government's Role

Because each state has, through its police powers, the right and responsibility to enact laws that deal with the health, safety, welfare and morals of its residents, and because child abuse falls within this penumbra, each state has the primary responsibility of enacting child protection laws.

Although the federal government usually does not dictate how an individual state will deal with the health, safety, welfare and morals of its residents, nor phrases a state's child protection laws, it has had a substantial impact on the manner in which states now deal with the problems of child abuse.

On Jan. 31, 1974, President Richard M. Nixon signed the Child Abuse Prevention and Treatment Act (42 USC 5101-5106), allocating $85 million for the identification, treatment and prevention of child abuse over a three-year period. Although a substantial amount of this sum was set aside for state use, any state wishing to receive funds had to meet certain criteria (see Appendix B). Today, 46 states have met these criteria and participate in federal funding.

Trends in Child Protection Laws — 1979

Based primarily on the reporting statute of each state, this analysis does not represent the total effort each makes in child abuse, but simply reflects its statute. It is the third in a series of analyses of child protection acts published by the Education Commission of the States (ECS). Whereas ECS Report No. 95, *Trends in Child Abuse and Neglect Statutes* (January 1977), and ECS Report No. 106, *Trends in Child Protection Laws — 1977* (March 1978), examined child abuse and neglect statutes and focused on legislation that had been enacted, amended or revised through the 1977 legislative session, this report, No. 128, *Trends in Child Protection Laws — 1979*, represents a record of statutes that have been enacted, amended or revised through the 1978 legislative session. It also includes a chart of the elements contained in each state's protection act. Its fundamental purpose is five-fold: (1) To enable interested individuals to compare one state's statutory response to another, (2) to enable interested individuals to compare changes within one state over a two-year period, (3) to provide the appropriate citation for each state's child protection act, (4) to identify general trends that seem to be developing around the country and (5) to provide additional citations where necessary.

To best fulfill these goals, this report addresses itself to the following 13 questions and issues surrounding child abuse:

1. What element(s) of child abuse must be reported?
2. Who must report suspected cases of child abuse?
3. When must a report be made?
4. To whom must a report be made?
5. Immunity for good faith.
6. Penalty for not making a mandated report.
7. Abrogation of privileged communications.
8. Color photographs and x-ray.
9. Temporary protective custody/emergency removal.
10. Central registry.
11. Child protection teams.
12. Guardian ad litem/counsel.
13. Public education.

What Element(s) of Child Abuse Must Be Reported?

Child abuse and neglect is a generic term that contains four elements. With specific reference to the fundamental elements of child abuse (i.e., nonaccidental physical injury, neglect, sexual abuse/sexual molestation and emotional abuse/mental injury), the following requirements exist: (1) Every state requires that nonaccidental physical injury be reported (same as last year); (2) 50 states require that neglect be reported (an increase of 2 over last year); (3) 46 states require that sexual abuse/sexual molestation be reported (an increase of 5); and (4) 37 states require that emotional abuse/mental injury be reported. Some notable differences are found in Idaho and Maryland. Whereas in Idaho, "neglected child" is defined but not included in the required reporting statute, Maryland has two reporting statutes— A 27 35A is for abuse and A 72A 4-11 is for neglect.

Who Must Report Suspected Cases of Child Abuse?

Although the original reporting statutes only required that medical personnel report suspected cases of child abuse, in recent years the base of mandated reporters has substantially broadened. Although some states now specifically list 15 or more different groups of individuals who must report, the following are the four most commonly designated reporters: The physician/nurse must report in all 50 states (an increase of 4), social workers in all 50 states (an increase of 9), and law enforcement personnel in 42 states (an increase of 10). Indiana, New Jersey, Rhode Island, Tennessee, Texas and Wyoming require reporting by "any person." Oklahoma and Utah require reporting by doctors "or any other person." If a state requires "any person" to report, it mandates by inclusion doctors, social workers, teachers and law enforcement personnel.

When Must a Report Be Made?

Ideally, reports should be made immediately because the longer the delay, the greater the chance of additional harm to the child. Today 36 states require that an oral report of suspected child abuse be made immediately (the same as last year); 6 states require that the report be made promptly (same as last year); and 4 states a somewhat longer period (same as last year). The vast majority of states also require that a written report follow the oral one, usually within 48-72 hours. However, North and South Carolina, Nebraska and Vermont do not specifically indicate when the report of suspected child abuse must be made.

To Whom Must a Report Be Made?

Although in the late 1960s and early 1970s, local law enforcement agencies were the only ones able to respond 24 hours a day, 7 days a week, to reports of suspected child abuse, this is no longer true. Today, a majority of states require local departments of social services to make the report. Three valid reasons are offered: (1) Departments of social services are viewed as being less punitive, and it is believed this will increase the number of reports made; (2) departments of social services are believed to have more expertise in dealing with these kinds of problems; and (3) most departments of social services are now able to respond to reports of suspected child abuse 24 hours a day, 7 days a week.

Today 28 states require reports of suspected child abuse be reported to local departments of social services, and in 2 states reports are made to the local law enforcement agency. Nineteen states require reports be made to the local departments of social services or the local law enforcement agency. One state requires reports be made to the local department of social services or the court, and another requires reports be made to local departments of social services, local law enforcement agencies or the court.

States that permit the reporter to choose between different agencies invite disaster. The identification of two or more receiving agencies promotes a lack of coordination and cooperation in handling these cases, and increases the likelihood that the child-victim will not be helped. Responsibility should reside solely in one agency. If there is a need to identify more than one receiving agency, strict coordination must be mandated by the system. A notable difference is found in New Mexico where reports can be made to the state district attorney or the probation office.

Immunity for Good Faith Reports

Because they fear liability if the report of suspected child abuse proves to be erroneous, individuals who are mandated to report are often hesitant to do so. Aware of this fact, all states provide immunity from liability if the report is made in good faith, i.e., an honest belief that the child was abused.

Penalty for Not Making a Mandated Report

Believing that the inclusion of a penalty will encourage reporting, a majority of states also provide a penalty, criminal and/or civil,

for failure to make a mandated report. It should be noted, however, that civil liability for failure to report a suspected case of child abuse may exist even without statutory authorization.

Today 33 states provide a criminal penalty for failure to make a report (a decrease of 3), 2 states make provision for civil liability for a similar failure (a decrease of 4), and 5 states provide criminal and/or civil liability for failure to report. (The decreases are due to a recognition of the extreme difficulty in proving criminal liability for a failure to report, or an effort to make the child protection act less punitive and more therapeutic.)

Abrogation of Privileged Communications?

Because it takes place "behind closed doors," within the sanctity of the home, child abuse is an extremely difficult case to prove in a court of law. Sometimes there are no eye witnesses, or witnesses are not willing to testify. In many cases, the child is too young to participate in the legal proceedings, or communications between involved parties are deemed confidential and cannot be introduced into evidence. Recognizing these facts, many states now abrogate the status of certain privileged communications in cases of child abuse, allowing for the possibility of three consequences: (1) A report can be made, (2) there can be participation in the investigation, and (3) a witness can testify in a court of law.

Today in respect to child abuse, 19 states abrogate the status of privileged communications between husbands and wives, 22 abrogate this status between doctors and patients, and 20 abrogate all privileged communications except those between attorney and client. Kansas allows those with "a similar privilege against disclosure" to testify. Pennsylvania and South Carolina abrogate all but the attorney-client privileged communications and priest-minister-penitent privileged communication. Mississippi simply states that the act of reporting is "not a breach of confidence."

Color Photographs and X-rays

Color photographs and x-rays of the injured areas are valuable as diagnostic tools and as evidence in a court of law. Usual procedures require that the hospital or physician obtain parental permission before any x-rays or color photographs are taken of the child. This is an unrealistic burden in a case of child abuse because the parent/caretaker is often the perpetrator, and permission is simply not granted.

A number of states now recognize the need and difficulty of obtaining color photographs and x-rays in cases of child abuse. Today, 2 states permit color photographs to be taken, 1 state allows x-rays to be taken and 21 states (an increase of 3) allow color photographs and/or x-rays to be taken of the abused child with or without parental authorization.

Temporary Protective Custody/Emergency Removal

In some cases it is necessary to quickly remove the child from his/her home. This need may occur or be identified immediately upon receipt of the report, during the investigation, court proceedings or treatment.

Generally, a child can be removed with parental consent or court order. In child abuse cases, however, it is highly unlikely that parents will voluntarily consent to the child's removal because to do so is almost tantamount to admitting guilt. Moreover, in many cases, there isn't adequate time to obtain a court order. Recognizing these two factors, 38 states (an increase of 11) are cognizant of the limited need to assure temporary protective custody in child abuse cases. Most states that have enacted such provisions have done so carefully. In most cases the statutes limit the number of individuals who may assume such custody, and the circumstances in which the right may be invoked. In addition, parents must be notified immediately, and a hearing must be conducted as quickly as possible.

Central Registry

Because child abuse is a pattern of behavior and subsequent injury occurs over a period of time, it is often difficult to diagnose, especially since abusive parents/caretakers have a proclivity to "doctor shop" and "hospital shop." Moreover, diagnosis is compounded by the general pattern that is followed by the abuser who usually takes the child to a different doctor with each surgery. Since each doctor sees only one injury, he is unable to recognize patterns of abusive behavior. Although he may believe or suspect that the child has been abused, he cannot determine if other physicians have recently treated the child for other suspicious injuries.

At present 41 states (an increase of 2) have created central registries where records of all reports of child abuse cases are kept alphabetically (35 via legislation, 6 via administrative fiat). These registries are instrumental for diagnostic purposes. They provide

physicians and social workers with records of all reports of suspected child abuse, which are important in establishing the abusive patterns. Also, they provide statistical information, and are instrumental in tracking down abusive parents who move from county to county or state to state. Finally, they can be used to evaluate the mandated officials' handling of child abuse cases.

Aware of the fact that data accumulated in a central registry can be abused, many states have limited the types of reports that are housed in them, made all reports confidential, limited access to the records, provided for the expurgement and sealing of records, notified the parents that the records exist and provided a mechanism for the parents to appeal the existence of such records.

Child Protection Teams

When the investigation has been completed, three difficult and complex issues must be resolved: (1) Has the child been abused (diagnosis)? (2) What are the chances that treatment will be successful (prognosis)? (3) What are the treatment needs of the child and what provisions for treatment exist within the community (treatment plan)? The resolution of these three issues requires substantive expertise in the disciplines that include medical pathology, psychiatry, law and social work. The majority of states require that the social worker complete the investigation and then resolve these three issues. This demand is unrealistic.

Because this procedure is somewhat impractical, 11 states have created child protection teams comprised of individuals who collectively have expertise in a number of different fields including medical pathology, psychiatry, law, education and social work. Not only can these teams be used by an agency to help determine the need to report to local departments of social services in resolving issues of diagnosis, prognosis and treatment, but also to oversee and coordinate all child abuse activity within a particular state. Massachusetts, Michigan, California, Missouri, Pennsylvania and South Carolina have child consultation and advisory boards that are similar to child protection teams but have no inherent decision-making powers.

Guardian ad Litem/Counsel

Many child abuse cases eventually reach the juvenile or district court with juvenile jurisdiction. In such cases the attorneys who traditionally participate are the county attorney, who presents the case to the court on behalf of the local department of social

services, and the attorney for the parents suspected of child abuse. A vast majority of states are cognizant of the fact that neither attorney adequately represents the interests of the abused child.

The attorney for the parents represents the interest of the person or persons suspected of abusing the child. It is obvious that the interests of the parents and the child are not the same in a hearing or proceeding to determine who did what to whom. On the other hand, the county attorney, who represents the local department of social services that has filed the petition, must show that the child has been abused if the case is to go forward. Unfortunately, most county attorneys have more cases than time, and are unable to adequately protect the child's long-range interests.

At present 46 states (an increase of 1) provide either a guardian ad litem or counsel to protect the child's short- and long-range interests if the case goes to the juvenile court.

Public Education

Contrary to common belief, child abuse is not merely a problem for the professional, but a community problem. There can be no viable solution to child abuse until the general public recognizes the extent of the problem, gives it priority, and makes a commitment to a solution.

Today 13 states (an increase of 3) not only recognize the need to provide information to the general public about the problems and possible solutions to child abuse, but also identify and mandate at least one statewide agency to provide this education.

If child abuse prevention is ever to become a reality, more states will have to make a commitment to public education, and those who have already made the commitment will have to do a better job.

Conclusion

It is imperative to keep the value of the legislative process and statutes in perspective. Legislation is never a solution or cure in itself; it is a framework within which a problem can be attacked. The better the legislation, the better the chance the system will react and respond appropriately. The drafting of good legislation is only the first step in attacking the problem in a prudent manner. Equal resources, time and expertise must be committed to the treatment and prevention of child abuse.

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Susman and Cohen, *Reporting Child Abuse and Neglect* (1974), page 8.

Appendix A
State Reporting Statutes

State	Citation
Alabama	ALA. STAT. § 26-14-1 to 26-14-13 (1978 Supp.).
Alaska	ALAS. STAT 47.17.010 to 47.17.070 (1978 Supp.).
Arkansas	ARK. STAT. 42-807 to 42-818 (1975 Supp.).
Arizona	ARIZ. REV. STAT. § 13-3620; § 8-531 (Guardian ad Litem); § 8-546.03 (Central Registry) (1978-79 Supp.).
California	CAL. PENAL CODE § 11160-11162; 11110 (Record Keeping) (1979 Cum. Supp.). CAL. HEALTH AND SAFETY CODE § 306.6 (State Advisory Commission) (1978 Supp. Pamphlet). CAL. WELF AND INST CODE § 18950td 18962 (Office of Child Abuse Prevention; Education; Family Crisis Teams) (1978 Supp. Pamphlet).
Colorado	COLO. REV. STAT. ANN. § 19-10-01 to 19-10-115 (1976 Cum. Supp.).
Connecticut	CONN. GEN. STAT. ANN. § 17-38a to 17-38e (1979 Special Pamphlet).
Delaware	DEL. CODE ANN. Tit. 16, § 901 to 909 (1978 Cum. Supp.).
District of Columbia	D.C. CODE ENCYCL. § 2-161 to 167; 16-2301 (9) (def. of neglect) (1978-9 Supp.).
Florida	FLA. STAT. ANN. § 827-07 to 827-09 (1979 Cum. Supp.).
Georgia	GA. CODE ANN. § 74-111; 24A-3301 (Guardian ad Litem) (1978 Cum. Supp.).
Hawaii	HAW. REV. STAT. § 350-1 to 350-5 (1978 Supp.).
Idaho	IDAHO CODE § 16-1601 to 1629 (1978 Cum. Supp.).
Illinois	ILL. REV. STAT. § Ch. 23, 2051 to 2061 (1979 Supp.); Ch. 37 704-5 (Guardian ad Litem) (1979 Supp.).
Indiana	IND. CODE ANN. § 31-5.5-1-1 to 31-5.5-3-18 (1978 Cum. Supp.).
Iowa	IOWA CODE ANN. § 235A.1 to 235A.24 (1978-9 Cum. Supp.). As amended by House File 2404, Iowa Legis. Service 1978.
Kansas	KAN. STAT. ANN. § 38-716 to 38-724; 38-815b (Guardian ad Litem) (1978 Cum. Supp.).

State	Citation
Kentucky	KY. REV. STAT. ANN. § 199.335; 199.011 (b) (definitions (1979 Cum. Supp.).
Louisiana	LA. REV. STAT. ANN. § 14:403(A-1); 46:51(16) (education) (1979 Cum. Supp.).
Maine	ME. REV. STAT. ANN. Tit. 22, § 3851 to 3860 (1978 Supp.).
Maryland	MD. ANN. CODE, Art. 27, § 35A(b)(8); Art. 72A § 4-11 (neglect) (1978 Cum. Supp.).
Massachusetts	MASS. ANN. LAWS Ch. 119 § 51A-G (1978 Cum. Supp.).
Michigan	MICH. STAT. ANN. § 722-621 to 636 (1978-79 Cum. Supp.).
Minnesota	MINN. STAT. ANN. § 626.556; 260.015(10) (definition of neglect). 260.155 (Guardian ad Litem); 260.165 (Temporary Custody) (1979 Cum. Supp.).
Mississippi	MISS. CODE ANN. § 43-21-5 to 43-21-11; 43-23-3 to 43-23-41 (Court Proceedings); 43-24-1 to 43-24-9 (Central Registry) (1978 Cum. Supp.).
Missouri	MO. ANN. STAT. § 210.10 to 210.165 (1979 Cum. Supp.).
Montana	MONT. REV. CODE ANN. § 10-1300 to 10-1322 (1977 Cum. Supp.).
Nebraska	NEB. REV. STAT. § 28-1501 to 1506; 43-202, 206(3) (Guardian ad Litem) (1978 Supp.).
Nevada	NEV. REV. STAT. § 200.501 to 200.508; 432.090 to 432.130 (Central Registry) (1977)
New Hampshire	N.H. REV. STAT. ANN. § 169:35 to 169:45; 170:C-8 (Guardian ad Litem) (1977 Supp.).
New Jersey	N.J. STAT. ANN. § 9-6-8.8 to 9-6-8.32; 462-1 (Guardian ad Litem) (1978-79 Supp.).
New Mexico	N.M. STAT. ANN. § 32-1-15 (1978)
New York	N.Y. SOC. SERV. LAW Tit. 6 6, § 411 to 428 (1978-79 Cum. Supp.). N.Y. FAMILY CT. LAW Art. 2, Pt. 4, § 249 (Law Guardian); Art. 10, Pt. 1, § 1012 (Definitions); § 1024 (Protective Custody); § 1046 (Photos, Privileges) (1978-79 Cum. Supp.).
North Carolina	N.C. GEN. STAT. § 110-115 to 110-123; 8-53.1 (Privilege); 7A0278 (Def. of Neglect); 7A-283 (Guardian ad Litem) (1978 Supp.).
North Dakota	N.D. CENT. CODE § 50-25.01 to 50-25.1-14; 27-20.02(5) (Def. of Neglected-Deprived Child) (1977 Supp.).
Ohio	OHIO REV. CODE ANN. § 2151.031, .04, .05; 2151.31 (Protective Custody); 2151.281 (Guardian ad Litem); 2151.351, 2151.421 (1978 Supp.).

State	Citation
Oklahoma	OKLA. REV. STAT. Tit. 21, § 845 to 848 (1978-79 Cum. Supp.).
Oregon	ORE. REV. STAT. § 418-740 to 418-775; 418-990 (Penalty); 419-498 (Attorney Appointment) (1978 Replacement).
Pennsylvania	PA. STAT. ANN. Tit. 11, § 2201 to 2224 (1978-79 Cum. Supp.).
Rhode Island	R.I. GEN. LAWS ANN. § 40-11-1 to 40-11-16 (1977 Reenactment).
South Carolina	S.C. CODE 20-10-10 to 20-10-190 (1978 Supp.).
South Dakota	S.D. CODIFIED LAWS ANN. 26-10-1 to 26-10-15; 26-8-6 (Def. Neglect) (1978 Supp.).
Tennessee	TENN. CODE ANN. Ch. 37, § 1201 to 1212; 248 (Guardian ad Litem) (1978 Cum. Supp.).
Texas	TEX. FAMILY CODE § 34.01 to 34.08; 35.04 (X-rays) (1978-79 Cum. Supp.).
Utah	UTAH CODE ANN. § 78-36-1-13 (1978 Supp.).
Vermont	VT. STAT. ANN. Tit. 13, § 1351 to 1356 (1978 Cum. Supp.).
Virginia	VA. CODE § 63.1-248.2 to 63.1-248.17; 16.1-266 (Guardian ad Litem) (Cum. Supp. 1978)
Washington	WASH. REV. CODE ANN. § 25.44.010 to 26.44.900; 26.37.040 (Protective Custody) (1977 Supp.).
West Virginia	W. VA. CODE ANN. § 49-1-1 to 49-7-27 (1978 Cum. Supp.); § 33-653 (Guardian ad Litem) (1978 Cum. Supp.).
Wisconsin	WISC. STAT. ANN. § 48.981; 48.56-57 (Duties of County Agency) (1978); § 905.04 (Physician-Patient Privilege) (1978 Supp.).
Wyoming	WYO. STAT. ANN. § 14-3-201 to 14-3-215 (1978)

Appendix B
Qualifications for Funding Under P.L. 93-247

On Jan. 31, 1974, P.L. 93-247 was enacted into law. The primary purpose of this law is to provide federal financial assistance for the prevention, identification and treatment of child abuse and neglect. For a state or its political subdivisions to qualify for funding under P.L. 93-247, 10 requirements must be met:

1. A state must provide for the *reporting* of known or suspected instances of child abuse and neglect.

2. A state must provide, upon receipt of a report of known or suspected child abuse or neglect, an *investigation* of that report by a properly constituted state authority. Each investigation must be initiated promptly; however, the properly constituted state authority must be an agency other than the agency, institution or facility involved in the acts or omissions, if the report of child abuse and neglect involves the acts or omissions of a public or private agency or other institution or facility. In addition, a state must provide, upon a finding of abuse or neglect, for *immediate action* to protect the health and welfare of the abused or neglected child and any other children who may be in danger in the same home.

3. In connection with the enforcement of child abuse and neglect laws and the reporting of suspected instances of child abuse and neglect, a state must demonstrate that there are, in effect, *administrative procedures, trained personnel, training procedures, institutional and other facilities and multi-disciplinary programs* and services sufficient to assure that the state can deal effectively and efficiently with child abuse and neglect. At a minimum this must include a provision for the receipt, investigation and verification of reports; a provision for the determination of treatment or ameliorative social service and medical needs; provision of such services; and, where necessary, recourse to the criminal or juvenile court.

4. A state must have, in effect, a child abuse and neglect law that provides *immunity* for all persons who in good faith report instances of child abuse or neglect (immunity to apply to both civil and criminal prosecution that might arise from such reporting).

5. A state must preserve the *confidentiality* of all records concerning reports of child abuse and neglect by having, in effect, a law that (a) makes such records confidential and (b) makes any person who permits or encourages the unauthorized dissemination of such records or their contents guilty of a crime.

6. A state must establish *cooperation* among law enforcement officials, courts of competent jurisdiction and all appropriate state agencies providing human services for the prevention, treatment and identification of child abuse and neglect.

7. In every case involving an abused or neglected child that results in a judicial proceeding, a state must provide that a *Guardian ad Litem* be appointed to represent the child in such proceedings.

8. A state must provide that the *aggregate of state support* for the programs or projects related to child abuse and neglect shall not be reduced below the level provided during the fiscal year 1973.

9. A state must provide for *public dissemination of information* on the problems of child abuse and neglect, as well as the facilities and the prevention and treatment methods available to combat child abuse and neglect.

10. A state, to the extent feasible, must insure that *parental organizations* combating child abuse and neglect receive preferential treatment.

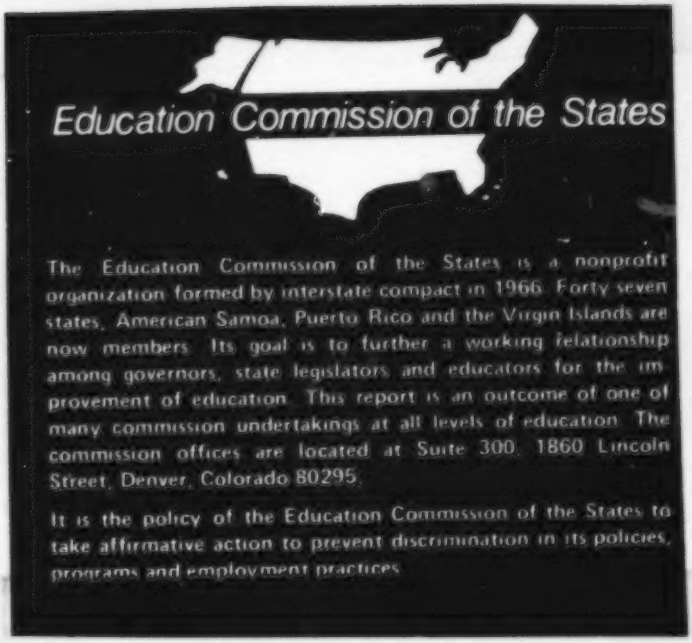
Appendix C

State Action on Child Protection

	Alabama	Alaska	Arizona	Arkansas	California	Colorado	Connecticut	Delaware	Florida	Georgia	Hawaii	Idaho	Illinois	Indiana	Iowa	Kansas	Kentucky	Louisiana	Maine	Maryland	Massachusetts	Michigan	Minnesota	Mississippi	Missouri	Montana	Nebraska
What Elements of Child Abuse Must Be Reported																											
nonaccidental	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
neglect	X	X	X	X	X	X	X	X	X	X	X	1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
sexual abuse	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
emotional abuse	X			X	X		X	X	X		X		X			X	X	X	X	X	X	X		X	X	X	X
Who Must Report																											
doctors	X	X	X	X	X	X	X	X	X	X	X	X	X	2	X	X	X	X	X	X	X	X	X	X	X	X	X
social workers	X	X	X	X	X	X	X	X	X	X	X	X	X	2	X	X	X	X	X	X	X	X	X	X	X	X	X
teachers	X	X	X	X	X	X	X	X	X	X	X	X	X	2	X	X	X	X	X	X	X	X	X	X	X	X	
law enforcement	X	X	X	X	X	X	X			X			X	2	X	X	X		X	X	X	X	X	X	X	X	
When Must Report Be Made *(I = Immediately, P = Promptly, S = Soon, L = Longer)*	I	I	I	I	L	I	I	I	I	I	P	L	I	I	L	P	I	I	I	S	I	I	I	I	I	P	3
To Whom Must Report Be Made *(SS = Social Services, C = Court, PO = Law Enforcement)*	SS/ PO	SS	SS/ PO	SS	SS/ PO	SS/ PO	SS/ PO	SS	SS	SS	SS	PO	SS	SS/ PO	SS	SS/ C	SS	SS/ PO	SS	SS/ SS	SS	SS	SS/ PO	SS	SS	SS	PO
Immunity for Good Faith Report	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Penalty for Not Making Report *(CR = Criminal, CI = Civil)*	CR		CR	CR/ CI	CR	CR/ CI	CR	CR	CR	CR				CR	CR/ CI	CR	CR	CR	CI		CR	CI	CR	CR	CR		CR
Abrogation of Privileged Communication																											
husband		X				X	X				X		X	X	X					X	X		X			X	X
doctor		X				X					X			X	X						X		X			X	X
all but attorney/client	X		X	X				X	X			X				X	X	X	X			X			X		
Photographs and X-rays			PX	PX	PX	PX			PX				PX	PX	PX		PX		PX			PX			PX		
Temporary Protective Custody – Emergency Removal	X	X	X	X	X	X	X		X			X	X	X		X	X	X		X	X	X	X	X	X	X	
Central Registry	X	X	X	X	X	X	X	X	X	5	X	X	X	5	X		5	X		X	X	6	5	X	X	X	X
Child Protection Team					6	X								X								6				6	
Guardian ad Litem/Counsel	X	X	X	X	X	X	X		X	X		X	X	X	X	X		X	X		X	X	X	X	X	X	X
Public Education					X				X						X	X		X				X			X		

	Nevada	New Hampshire	New Jersey	New Mexico	New York	North Carolina	North Dakota	Ohio	Oklahoma	Oregon	Pennsylvania	Rhode Island	South Carolina	South Dakota	Tennessee	Texas	Utah	Vermont	Virginia	Washington	West Virginia	Wisconsin	Wyoming	Washington, D.C.	Total
What Elements of Child Abuse Must Be Reported																									
nonaccidental	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	51
neglect	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	50
sexual abuse	X	X	X		X	X		X	X	X	X	X	X				X	X	X	X	X	X	X	X	46
emotional abuse	X	X	X	X	X		X	X	X		X	X	X		X	X	X		X		X		X	X	37
Who Must Report																									
doctors	X	X	2	X	X	X	X	X	2 X	X	X	2	X	X	2	2	2 X	X	X	X	X	X	2	X	51
social workers	X	X	2	X	X	X	X	X	X	X	X	2	X	X	2	2	2	X	X	X	X	X	2	X	51
teachers	X	X	2	X	X	X	X	X	X	X	X	2	X	X	2	2	2	X	X		X	X	2	X	42
law enforcement		X	2	X	X	X	X		X	X	X	2	X	X	2	2	2	X	X		X	X	2	X	
When Must Report Be Made (I = Immediately, P = Promptly, S = Soon, L = Longer)	P	I	P	I	I	3	I	I	P	I	I	L	3	I	I	I	I	3	I	I	I	I	I	I	I=36, P=6, L=4, S=1
To Whom Must Report Be Made (SS = Social Services, C = Court, PO = Law Enforcement)	SS/ PO	SS	SS	4/ SS	SS	SS	SS	SS/ PO	SS	SS/ PO	SS	SS	SS/ PO	4/ SS	all	SS/ PO	SS/ PO	SS	SS	SS/ PO	SS	SS/ PO	SS/ PO	SS/ PO	SS=28, SS/PO=19, PO=2, SS/C=1, all=1
Immunity for Good Faith Report	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	51
Penalty for Not Making Report (CR = Criminal, CI = Civil)	CR	CR	CR	CR	CR/ CI		CR		CR	CR	CR		CR/ CI	CR	CR	CR	CR	CR	CR	CR	CR	CR		CR	CR=33, CI=2, CR/CI=5
Abrogation of Privileged Communication																									
husband					X	X				X	X				X					X				X	19
doctor				X	X	X		X	X	X	X			X			X			X	X	X		X	22
all but attorney/client	X	X					X					X	X			X							X		20
Photographs and X-rays			PX		PX			PX		P	PX		PX			X	PX		PX	P	PX		PX		PX=21, P=2, X=1
Temporary Protective Custody — Emergency Removal			X	X	X	X	X	X			X	X	X	X	X	X	X		X	X		X	X		38
Central Registry	X	X	X		X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	5	X	X	5	41
Child Protection Team											6		6		X		X		X				X		6
Guardian ad Litem/Counsel		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	46
Public Education					X						X		X						X			X			13

[1] "Neglected child" is defined but not included in the required reporting statute.
[2] Require reporting by "any person."
[3] Do not indicate when the report of suspected child abuse must be made.
[4] New Mexico: Reports can be made to state district attorney or probation office.
South Dakota: Reports can be made to state district attorney or social services.
[5] Via administrative fiat, not by statute.
[6] Have child consultation and advisory boards.



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